

FINAL STATEMENT OF REASONS

1) The Update to the Initial Statement of Reasons

There are no changes to the initial statement of reasons, which is hereby incorporated by reference, with the exception of the following:

Pursuant to Section 471 of the Vehicle Code, any motor vehicle, except a motorcycle, motorized bicycle, or motorized quadricycle, with an open box type bed not exceeding 9 feet in length is by definition a pickup.

and

Pursuant to Section 471 of the Vehicle Code, any motor vehicle, except a motorcycle, motorized bicycle, or motorized quadricycle, that may be configured or reconfigured to provide an open box type bed not exceeding 9 feet in length is by definition a pickup.

These exceptions were added to clarify the Vehicle Code definition of a pickup truck.

2) Imposition of Mandate on Local Agencies or School Districts

The department's regulatory action adopting Section 150.04 in Article 3.0, Chapter 1, Division 1, of Title 13, California Code of Regulations, does not impose any mandate on local agencies or school districts and imposes (1) no cost or savings to any state agency, (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, (3) no other nondiscretionary cost or savings to local agencies, and (4) no costs or savings in federal funding to the state. No studies or data were relied upon to make this determination.

3) Summary of Comments Received and Department Response

The proposal was noticed on September 27, 2002, and made available to the public from September 27, 2002 through November 11, 2002. No comments were received on the regulatory proposal.

4) Determination of Alternatives

No reasonable alternative considered by the department, or that has otherwise been identified and brought to the attention of the department, would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations. During the rulemaking process no alternative that would lessen the adverse economic impact on small business was submitted.

ADDENDUM TO THE FINAL STATEMENT OF REASONS

1) The Update to the Initial Statement of Reasons

Vehicle Code section 410 defines a “motor truck” as follows:

“A ‘motor truck’ or ‘motortruck’ is a motor vehicle designed, used, or maintained primarily for the transportation of property.”

Vehicle Code section 471 defines a “pickup truck” as follows:

“A ‘pickup truck’ is a motor truck with a manufacturer’s gross vehicle weight rating less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length. ‘Pickup truck’ does not include a motor vehicle otherwise meeting the above definition, that is equipped with a bed-mounted storage compartment unit commonly called a ‘utility body’.”

The exemption from the definition of a pickup truck for a vehicle that is equipped with a bed-mounted storage compartment or utility body refers to the type of vehicle that has a permanently affixed cover over the open bed, such as a camper. Vehicle Code sections 362, 465 and 9400 are instructive in this regard.

Vehicle Code section 9400 provides in pertinent part:

“[I]n addition to any other registration fee, there shall be paid the fees set forth in this section for the registration of any commercial vehicle that operates with unladen weight. . . Whenever a camper is *temporarily attached* to a motor vehicle *designed to transport property*, the motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed a load, and fees imposed by this section upon the motor vehicle shall be based on the unladen weight of the motor vehicle, exclusive of the camper. . .” *Emphasis added.*

Vehicle Code section 362 defines a housecar as follows:

“A ‘house car’ is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house car except that, for the purposes of Division 11 (commencing with Section 21000) and Division 12 (commencing with Section 24000), a motor vehicle equipped with a camper having an axle that is designed to support a

portion of the weight of the camper unit shall be considered a three-axle house car regardless of the method of attachment or manner of registration. A house car shall not be deemed to be a motortruck.”

Vehicle Code section 465 defines a passenger vehicle as follows:

“A ‘passenger vehicle’ is any motor vehicle, other than a motortruck or truck tractor, designed for carrying not more than 10 persons including the driver, and used or maintained for the transportation of persons. The term ‘passenger vehicle’ shall include a house car.”

These sections distinguish between a pick-up with a temporarily attached camper and one that is permanently affixed. When the camper is temporarily attached it is classified as a load and weight fees are applied. When the camper is permanently affixed, there is a sufficient change in the property carrying capability of the vehicle whereby the primary purpose of carrying property is lost; hence the weight fees are not applied. A vehicle manufactured with an open box-type bed is designed for the specific purpose of carrying a load.

The proposed regulatory action will affect individuals, businesses and small businesses because the regulatory action proposed by the department clarifies vehicle body types that are, by definition, pickup trucks, and are therefore subject to weight fees. However, the department anticipates that the effect on small businesses will be insignificant and will depend upon the weight of the vehicle. For example, the additional weight fee for a vehicle between 5,000 and 6,000 lbs. is \$164; for a vehicle between 4,000 and 5,000 lbs. the fee is \$80.